

07 JAN 2008



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HOWARD & HOWARD ATTORNEYS, P.C.  
THE PINEHURST OFFICE CENTER, SUITE #101  
39400 WOODWARD AVENUE  
BLOOMFIELD HILLS MI 48304-5151

In re Application of :  
BOUMAZA et al. :  
Application No.: 10/588,119 : DECISION  
PCT No.: PCT/FR2005/000375 :  
Int. Filing Date: 17 February 2005 :  
Priority Date: 17 February 2004 :  
Attorney Docket No.: RFR0146 :  
For: METAL AND PLASTIC COMPOSITE :  
STRUCTURE IN PARTICULAR FOR THE FRONT :  
FACE OF A MOTOR VEHICLE :

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 20 December 2007 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 17 February 2005, applicants filed international application PCT/FR2005/000375, which designated the United States and claimed a priority date of 17 February 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 August 2006.

On 01 August 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 February 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 26 September 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, the surcharge under 37 CFR 1.492(h), a declaration of facts by David LaPrairie, a copy

of a letter from Mr. LaPrairie to non-signing inventor Francois Boumaza, and a copy of tracking results for a Federal Express package.

On 31 October 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort.

On 20 December 2007, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a second declaration of facts by David M. LaPrairie, a copy of tracking results for a Federal Express package, and a copy of a proof of delivery statement including Mr. Boumaza's signature.

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 31 October 2007, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. Non-signing inventor Francois Boumaza's conduct constitutes a refusal to sign.

### CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office

of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of 26 September 2007.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301

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Francois Boumaza  
6AL Des Haras, 77815 Lognes  
75015 Paris  
France

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Dear Mr. Boumaza:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer  
PCT Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301  
Facsimile: (571) 273-0459

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